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DATE: August 31, 2004

TO: Examiner Tuan N. Nguyen  
TC Art Unit: 3751

Fax No.: (703) 872 9306

FROM: Richard E. Gamache

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Our File: BDL-364XX

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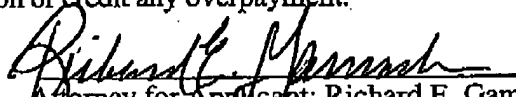
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Sent by: Paula D.

Application No. 10/009,885  
Filed Date: January 22, 2002  
Confirmation No.: 5084A confirmation copy of this transmission will not be mailed unless the following is checked: ☐  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER Tuan N. Nguyen, Tel. (703) 306-9046  
TC ART UNIT NO: 3751**FOR ENTRY**

Enclosed for filing please find a Request For Telephonic Interview

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
Attorney for Applicant: Richard E. Gamache  
Registration No. 39,196

REG/pjd/310704

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Application No.: 10/009,885  
 Filed: January 22, 2002  
 TC Art Unit: 3751  
 Confirmation No.: 5084

Rev 06/04

**WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP**

Ten Post Office Square  
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Date: August 31, 2004

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Attorney

Docket No.: BDL-364XX

Sir:

In re application of: Jose Duez et al.

Entitled: A NIB AND METHODS OF TREATING AN ELONGATE ELEMENT DESIGNED TO FORM SUCH A  
 NIB

Transmitted herewith is a Request For Telephonic Interview in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).  
☐ Enter the unentered amendment previously filed on per §1.116.
- ☐ A Petition for Extension of Time for month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:


CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= 0	x \$86.00 =	0
Total	8 - 20	= 0	x \$18.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$290.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Tuan N. Nguyen, TC Art Unit 3751, Fax No. (703) 872 9306, on 8/31/04.

SUBMIT IN TRIPLICATE

REG/pjd/310706

  
 Attorney of Record, Richard E. Gamache  
 Registration No.: 39,196

PATENT

Rev 06/04

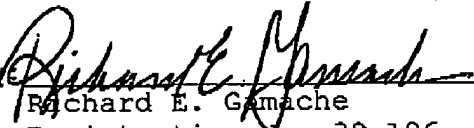
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : José Duez et al.  
Application No. : 10/009,885  
Filed : January 22, 2002  
Confirmation No. : 5084  
For : A NIB AND METHODS OF TREATING AN  
ELONGATE ELEMENT DESIGNED TO FORM SUCH  
A NIB  
Examiner : Tuan N. Nguyen  
Attorney's Docket : BDL-364XX

**RECEIVED  
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TC Art Unit: 3751

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facsimile to Examiner Tuan N. Nguyen, TC Art Unit 3751, Fax No.  
(703)872 9306, on 8/31/04.

By   
Richard E. Gamache  
Registration No. 39,196  
Attorney for Applicants

\*\*\*\*\*

REQUEST FOR TELEPHONIC INTERVIEW

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for a telephonic interview to afford the Applicants' Attorney an opportunity to discuss the Examiner's rejections of claims 7-11 and 14-16, as indicated in the official action dated May 18, 2004 in the above-referenced application.

WETNGARTEN, SCHURGIN,  
WAGNER & LEBOVICI LLP  
TEL. (617) 542-2290  
FAX. (617) 451-0313

Application No. 10/009,885  
Filed: January 22, 2002  
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Specifically, the Applicants' Attorney wishes to discuss several features of the inventions recited in claims 7-11 and 14-16 that distinguish the claimed subject matter over the cited Johnson reference (USP 3,442,739). For example, base claims 7 and 14 recite that a sealing bath having a sealing agent is employed to form an airtight barrier that plugs and blocks the pores or capillaries between the fibers of the elongate elements. In contrast, the Johnson reference discloses a nonporous amalgamated sheath made of fused nylon fibers in an epoxy matrix, forming a thin protective thermoplastic film (see column 5, line 19+, of Johnson). The airtight barrier formed by plugging and blocking the pores or capillaries between the fibers, as recited in claims 7 and 14, is significantly different from the protective film of Johnson in that there is no action on the fibers or modification of the fibers at the longitudinal periphery of the elongate element, but only plugging and blocking of the pores or capillaries between the fibers. As disclosed in the Johnson reference, forming the thin protective thermoplastic film causes the outermost fibers to be modified, specifically, the outermost fibers are heated to a temperature sufficient to melt the fibers (see column 4, lines 46-50, of Johnson). When the pores or capillaries between the fibers of the claimed subject matter are

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plugged or blocked, as recited in claims 7 and 14, no such melting of the fibers takes place.

In addition, dependent claim 8 recites that the same compound that serves as a binder for the fibers is also used as a sealing agent. In contrast, the Johnson reference discloses introducing other compounds into the blocking agent that are not contained in the binder solution. Specifically, Example I of the Johnson reference includes preparing a binder including Epon 828 epoxy resin, Epon T-1 curing agent, and methyl ethyl ketone (MEK), and preparing a blocking agent including thermoplastic polymer in MEK (see column 5, line 67, to column 6, line 38, of Johnson). Although MEK is included in both the binder and the blocking agent of Johnson, the blocking agent includes a thermoplastic polymer that is not contained in the binder solution. Accordingly, the Johnson reference does not disclose using the same compound or compounds for the binder and the sealing agent, as recited in claim 8, but instead discloses a blocking agent including a compound such as thermoplastic polymer that is not found in the binder.

Via a discussion of the distinguishing features of base claims 7 and 14 and the claims dependent therefrom, the Applicants' Attorney seeks to clarify the outstanding issues in

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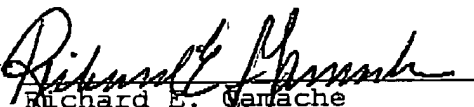
the above-referenced application in an effort to advance the instant application toward allowance.

The Examiner is respectfully requested to call the undersigned Attorney at 617-542-2290 to schedule the telephonic interview.

Respectfully submitted,

JOSÉ DUEZ ET AL.

By

  
Richard E. Gagnebin  
Registration No. 39,196  
Attorney for Applicants

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